

REMARKS/ARGUMENTS

Applicants have reviewed and analyzed the Office Action dated February 6, 2007, and provide the following remarks and comments in response thereto. Applicant notes that the undersigned is new counsel of record pursuant to the Power of Attorney filed herewith. Claims 1, 4-6, 8, 11-13, 15 and 18-20 have been amended. Claims 3, 10 and 17 have been cancelled in this amendment. Claims 22-25 have been added. No new matter has been added. Claims 1-25 remain pending upon entry of the present amendment. Entry of the amendment, reconsideration and allowance are respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being anticipated by Hassell *et al.* (U.S. Patent Pub. No. 2004/0128685, “Hassell”). This rejection is respectfully traversed for at least the following reasons.

Amended independent claims 1, 8 and 15 all relate to, *inter alia*, receiving input corresponding an actuation of a command, the actuation including a single pressing of a selected portion of at least one of: a web phone and a personal digital assistant and transferring a program from a first storage device of the STB to a second storage device in response to the actuation. Hassell fails to teach or suggest such features. For example, Hassell lacks a teaching or suggestion of receiving input corresponding to the single pressing of a selected portion of at least one of: a web phone and a personal digital assistant. At most, Hassell discloses, at para. [0081], a remote control for controlling various functionality of the interactive television program guide system. Nonetheless, Hassell does not teach or suggest that the remote control constitutes or includes either a web phone or a personal digital assistant. The Office Action’s taking of Official Notice fails to cure these deficiencies of Hassell. Furthermore, the prior art cited by the Office Action in support of the Official Notice is deficient as discussed in additional detail below. Accordingly, claims 1, 8 and 15 are allowable for at least these reasons.

Claims 3-7, 11-14 and 18-21 are dependent on claims 1, 8 and 15, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein. For example, claims 4, 11 and 18 relate to transfer the program from the second storage device to the first storage device of the STB in

response to a second actuation of a second command, wherein the second actuation corresponds to a pressing of a second portion of at least one of: a control panel of the STB, a remote control associated with the STB, the web phone and the personal data assistant. Hassell does not teach or suggest such features. While Hassell discloses allowing a user to transfer programs and super-programs stored on a digital storage device 49 to other volumes of device 49 or to a secondary storage device 47, Hassell lacks a teaching or suggestion of transferring programs in the other direction. The Office Action's taking of Official Notice does not cure these deficiencies of Hassell. Claims 4, 11 and 18 are thus allowable for this additional reason.

New Claims

New independent claim 25 recites, *inter alia*, receiving, at a set-top box (STB), input corresponding to an actuation of a command, the actuation including a single pressing of a selected portion of a control panel of the STB. Neither Hassell nor the Office Action's taking of Official Notice, either separately or in combination, teach or suggest such features. Indeed, the Office Action's citation of col. 6, lines 38-60 of Hendricks et al. (U.S. Patent No. 5,559,549, "Hendricks") does not teach or suggest that control panels on the set top boxes have the same buttons and functions as found on a remote control device as alleged by the Office Action. The cited passage of Hendricks merely states "the subscriber interface is a device with buttons located on the set top terminal or on a portable remote control." (Emphasis added). Thus, Office Action's citation of support of the Official Notice taken is clearly deficient and does not satisfy the requirements for establishing a *prima facie* showing of obviousness under 35 U.S.C. §103. Furthermore, based on the cited disclosure of Hendricks, since Hassell includes a transfer button on a remote control, there would have been no motivation for one of ordinary skill in the art to place the same transfer button on the control panel of a set-top box. Hassell is also devoid of any teaching or suggestion of including the transfer button on a control panel of its interactive guide system. Accordingly, claim 25 is allowable for at least these reasons.

New claims 20-24 are dependent on claims 4, 15 and 20, respectively, and are thus allowable for at least the same reasons as their base independent claims and further in view of the novel and non-obvious features recited therein. For example, claim 23 recites, *inter alia*, "wherein the first portion and the second portion are the same portion." As discussed above with

respect to independent claim 15, Hassell fails to teach or suggest transferring a program from a second storage device to a first storage device. Even assuming, without conceding and *arguendo*, Hassell discloses such a feature, Hassell still lacks a teaching or suggestion of actuating the same portion to effect both transferring from a first device to a second device and transferring from the second device to the first device. Accordingly, claim 23 is allowable for this additional reason.

CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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